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ABSTRACT

Judge Thomas Hull's October 1986 decision in the "Mozert et al. versus Hawkins County Public Schools" provoked concern from a number of educators who felt that the plaintiffs, several Fundamentalist parents, who were favored in the decision, were attempting to force their religious principles on non-Fundamentalists. Judge Hull's decision, based on the notion that the children involved were not being provided a free public education, allowed them to "opt out" of reading class and be taught from alternate texts at home. Educators responded to the decision by saying that it opened the way for mass censorship, that it was impractical for schools to try to accommodate every minority opinion in every reading program, and that the children would become culturally illiterate with such omissions in their education. It is stated that such opinions are flawed in that they fail to consider the fact that (1) the basal readers in question were not removed from the classroom, (2) several schools have incorporated alternative reading materials without great inconvenience, and (3) the public's notions of education are based on exposing children to a wide variety of ideas, and the Fundamentalists' complaint arose largely out of the exclusion of Christian values rather than the inclusion of other values. It behooves educators who believe in a liberal democracy to attempt to accommodate minority viewpoints, because everyone is part of a minority in one way or another. (Thirteen references are included.) (JC)

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THE TENNESSEE JUDICIAL DECISION ON RELIGION AND READING BASAL SERIES: AN UPDATE AND IMPLICATIONS FOR READING EDUCATORS

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In one way or another, we all search for hard and fast truths by which to run our lives. Certainly school administrators, whose jobs and careers depend upon appropriate decision-making, would like to have exact rules by which to make decisions. Fortunately or unfortunately, the complexities of the church-state issue and its relationship to the guarantees of the First Amendment defy precise delineation of policy.

The Mozert et al. case is one of a series of attempts by Evangelicals in the mid-1980's to put pressure on the public school system. The secular mass media tends to measure the effectiveness of such attempts in terms of on whose side the final verdict falls. In fact, the political and social effect of such pressure tactics does not entirely depend on who wins and who loses in court. The results of increased publicity and political awareness among the population at large and among Evangelicals in particular is largely independent of the actual legal decision. Evangelicals, after all, won the legal decision at the Scopes trial in the 1920's, but the end result of the publicity surrounding the trial was a catastrophic defeat for their cause (Marsden, 1980).

As advocates of the American public school system, we have often considered the charge that our schools are teaching subversive "secular humanism" as a joke. Those who suggest that there is some sort of conspiracy against our schoolchildren are dismissed as religious fanatics lacking sufficient education

themselves.

The Mozert, et al. decisions should teach those of us who see the prosperity of the public schools as essential to the prosperity of the country to sit up and take notice. Protests against textbooks are no new phenomenon: In the nineteenth century, Roman Catholics and immigrant Protestant denominations withdrew their children from the public schools for similar reasons. One key difference in today's protests is the protesters themselves. Charles Glenn, Director of the Massachusetts Equal Educational Opportunity Department, has said,

> These parents are not new immigrants bringing with them what could be dismissed as Old World ideas about religious education. They are Americans born and bred, living very normal lives, sharing the religious convictions of the majority of Americans, and differing only in the conclusions that they draw from these convictions (1987, p. 451).

The Mozert, et al. controversy comes at a critical time. Two best-selling books (Hirsch, 1987; Bloom, 1987) have taken the American educational system to task for ignoring the development of traditional values in children. A significant report (American Federation of Teachers, 1987), countersigned by leading Americans representing a large variety of backgrounds, has called for improved teaching of democratic values. All this has occurred while public confidence in education is at an all-time low and Kindergarten--Eighth Grade private school enrollment has jumped 6% in a fifteen year period in which the K-8 school-age

population fell by 15%.

The 1986 U. S. District Court Decision

On October 29, 1986, Judge Thomas G. Hull of the U. S. District Court for the Eastern District of Tennessee ruled that the Hawkins County Public Schools had violated the constitutional rights of schoolchildren by requiring use of the Holt, Rinehart, and Winston basal reading series (1983 edition) in grades 1 to 8. The Holt series was used in some 15,000 school districts nationwide.

The case, Mozert et al. v. Hawkins County Public Schools (1986), was labeled by the media as a "Scopes II" trial, and the results have elicited widespread concern from many educators and educational organizations, including the International Reading Association (Reading Today, 1987).

Parents had objected to the reading series on the grounds that some content material undercut the Christian beliefs held by their families. Specifically, one of the plaintiffs listed the following objections:

> Futuristic supernaturalism, one-world government, situation ethics or values clarification, humanistic moral absolutes, pacifism, rebellion against parents or self-authority, role reversal, role elimination, animals are equal to humans, the skeptic's view of religion contrasting belief in the supernatural with science, false views of death and related themes, magic, other religions, evolution, godless

supernaturalism...and specific humanistic themes (quoted in Jenkinson, 1987, p. 448).

The case had originally been dismissed by Judge Hull in 1984 on the grounds that no constitutional rights had been violated. That decision was reversed in 1985 by the U. S. Court of Appeals, which had ordered Judge Hull to review the case and had described the way in which Judge Hull was to analyze the constitutional concerns involved.

A variety of factors undercut the argument of the county public schools that children should be forced to read only materials adopted by the Board of Education (Flygare, 1987). First, the Board had resolved without open discussion that only Board-adopted textbooks were to be used in classrooms. This decision, made after some complaints had been filed by parents, was interpreted as intolerant and inflexible. Second, the penalty for refusing to use the adopted reading textbooks was severe: One student was suspended repeatedly for a total of 22 days.

Third, some schools within the district demonstrated flexibility in making compromise arrangements, such as allowing use of alternate texts or allowing teachers to individualize instruction so as to satisfy parent complaints. Successful individualization in those arrangements undercut the school board's position that adapting to parent complaints would create chaos.

Judge Hull concluded that,

The parents believe that, after reading the entire

> Holt series, a child might adopt the views of a feminist, a humanist, a pacifist, an anti-Christian, a vegetarian, or an advocate of a "one-world government." Plaintiffs sincerely believe that the repetitive affirmation of these philosophical viewpoints is repulsive to the Christian faith (Mozert, et al. v. Hawkins Country Public Schools, 1986).

Hull also noted that many of the items objected to would have been less offensive to the parents in a more balanced context.

Hull ruled that suspending students who refused to use the Holt series deprived them of their right to a free public education. Hull did not order the school system to provide an alternate textbook series for the dissenting students. Instead, he ordered that Hawkins County school officials allow students to "opt out" of reading instruction for alternative instruction under the supervision of parents. Students were to be released from class for study hall during reading periods. Schools were not ordered to censor books--simply to allow children to be exempted from certain aspects of instruction.

The 1987 U. S. Appeals Court Decision

Judge Hull's 1986 decision was overturned on August 24, 1987. A unanimous decision by a three judge panel of the U. S. Court of Appeals in Cincinnati ruled that the school board had not violated the Constitution's guarantee of religious freedom. The plaintiff's attorney, however, made little of the defeat,

suggesting that the Appeals Court "was just a whistle stop on the way to the U. S. Supreme Court" (New York Times, 1987, p. A13).

Chief Judge Pierce Lively noted that the lower court had not clearly differentiated between the school requiring reading and requiring students to act on the teachings in the readings. The requirement of mere reading is not a violation of constitutional rights, according to Lively. Judge Cornelia G. Kennedy added the opinion that required readings are necessary due to a "compelling state interest." Students must be taught about complex and controversial social and moral issues if they are to be adequately prepared for citizenship.

The third judge on the panel concurred with the final decision but objected to the majority rationale described above. Judge Danny J. Boggs noted that such reasoning might be interpreted as suggesting that school boards can require any curriculum, no matter how offensive or one-sided. In addition, he criticized the majority opinion as presenting a view of the plaintiffs as so extreme that they could never be accommodated.

Coverage of the Case by the Media

In typical fashion, coverage of the Mozert et al. decisions by the mass media was weak. The case was often billed as a "Scopes II" trial, despite the vastly different issues between the two cases. Readers were left with the misconception that, once again, ignorant Fundamentalists were trying to jam their own narrow version of religion down the throats of schoolchildren, a'

la Inherit the Wind. In fact, the issue was quite the opposite: The plaintiffs were questioning whether the governmental public schools had the right to force its curriculum on all children, or whether the children could be given the right to opt out of objectionable curricula.

The most serious fault in media coverage probably stems from an inherent weakness in modern mass media, rather than from deliberate attempts to mislead. That is, the most influential facet of modern reporting is its brevity. Short news clips on television and brief newspaper articles simply cannot provide clear explanations of a complex issue. Readers are given the "facts," and they are then left to make their own decisions as to the underlying issues. In many cases, they simply do not have sufficient background information about those issues to draw informed conclusions.

The critical fault in the news coverage surrounding the Mozert et al. case was the lack of information on the reasoning underlying the objections to the school curricula. Neither was the underlying rationale of the school board's position clearly described. Without this understanding, newspaper readers and television viewers were left without the appropriate schemata for a clear understanding of the issues.

The Reaction of the Professional Educational Establishment

The reaction of the professional educational establishment to the Mozert et al. case was almost universally antagonistic towards the plaintiffs. C. Glennon Rowell, in an editorial in the International Reading Association's membership newspaper called the educational implications of the case "frightening" in that it "opens the way for mass censorship" (1987, p. 2) and is an example of how "fundamentalist Christians are seeking ways to advance their religion at the expense of others and the common good" (p. 10).

A reasoned evaluation of these arguments, all of which are critically flawed, results in the conclusion that educational leaders lack understanding of the concerns of the plaintiffs or the logic of the judicial decision.

The Argument from Convenience

The Hawkins County Board of Education used this argument against the plaintiffs as one of its key defenses. They claimed that it was impractical to expect schools to provide separate reading material to religious dissidents.

As noted above, the 1986 District Court decision did not, in fact, require that teachers provide such separate reading material. In addition, the Board of Education's argument was undercut by the fact that some of its own schools actually had successfully provided alternate reading material, thereby avoiding the controversy created by challenging the parents.

Finally, the suggestion that individualization is impractical flies in the face of educators' longstanding commitment to individualization as an effective educational philosophy.

Albert Shanker, president of the American Federation of Teachers and himself a critic of the 1986 decision in favor of the plaintiffs, criticized the Board of Education for making this argument. Schools cannot justify their approaches using arguments from convenience, he explained. Such justifications become "my convenience against your religion" (Fiske, 1987, p. 21), a confrontation in which convenience is certain to lose. Rather schools must justify their approaches using an educationally sound rationale.

The Argument Against Censorship

Most educators view the Mozert, et al. controversy as a case of censorship or "book burning." In fact, however, this is a misunderstanding of the term "censorship." Censorship involves a governmental (or, more generally, institutional) use of power to exclude ideas and materials. Fewer points of view would be included in the curriculum when censorship occurs. The Hawkins County incident involved the opposite. The parents were protesting the government's refusal to allow alternative methods--that is, to place more ideas in the curriculum.

Underhill (1987), in an article that was antagonistic to the Evangelical plaintiffs in a somewhat similar case in Alabama, noted the ironies in who is arguing for what:

> Before lapsing into hysteria and ringing alarms about facism, people...should look again. It was the ACLU [American Civil Liberties Union]--PAW [People for the American Way--a liberal alternative to the Moral Majority set up by TV sitcom producer Norman Lear] defense team that joined with the attorneys for the state in opposing liberal tenets: Freedom of speech and open debate of all views. They argued in effect, that a teacher with religious convictions must curb his or her speech as a condition of employment (p. 440).

The Argument Based on the Need for Cultural Knowledge

Albert Shanker's argument against the 1986 District Court decision was based on students' need for cultural knowledge. He suggested that children need to read a wide variety of materials in order to understand American society and in order to function effectively as citizens in a democracy. His interpretation of the District Court ruling was to the effect that Judge Hull had argued against this concept. "If you excuse kids from having to handle this material, you are condemning them to be illiterate" (quoted in Fiske, 1987, p. 20).

In effect, Shanker is correct in his interpretation of Judge Hull's ruling. Hull had suggested that children can learn to read without being exposed to controversial materials that were objectionable to the parents. That is, he suggested that content

of reading material is irrelevant to learning to read. Hull's conclusion about the students' parent-administered reading program was that, "The court finds that these children are bright and capable of completing such a program without serious detriment to their reading skills or citizenship."

Hull's viewpoint, as interpreted by Shanker, is not defensible in the light of modern theories of reading. True ability to read cannot be learned without reference to cultural knowledge.

Yet Shanker's interpretation of Hull's theory of reading ignores two important issues involving the complexities of cultural knowledge. First, the legal arguments of the plaintiffs in the Mozert, et al. case were not based on the educational understanding that it is harmful or evil to read anything that disagrees with one's religious beliefs. Instead, the objections to the Holt series were founded on the argument that the series was unremediatingly hostile to the parents' religious beliefs in that it presented a "secular humanistic" worldview with no discussion of alternatives. The end result was viewed by the parents as being, in effect, brainwashing of their children.

The imposition of a secular worldview in reading basal series, involving the censorship of all mention of religion for fear of controversy, is generally acknowledged today within and without the educational profession, most visibly in Allan Bloom's recent best-selling book The Closing of the American Mind (1987). Both sides in the recent Alabama textbook controversy, for example, agreed that religion has been largely expunged from

social studies and history texts.

A second complexity ignored by those who dispute the Mozert, et al. plaintiff's claims, has to do with the gestalt in which controversial issues are presented. Portions of Marx's Das Kapital may indeed be required reading for cultural literates. Few Americans would object to such a requirement, if the readings were assigned in a critical gestalt in which American and capitalistic views were contrasted to Marx's ideas. The number of objections would certainly rise if Marxist ideas were taught with unremittingly positive praise and if students were deprived of readings that presented a liberal democratic viewpoint.

In similar fashion, few Americans, Evangelical or not, would object to reading Anne Frank's universalist views on the truths to be found in all religions. To completely omit any reference in the entire grade school curriculum to the traditional Protestant and Catholic views on the uniqueness of the Christian faith, despite the concurrence with such views of a very significant portion of the American population and the importance of such views in much of American history, is clearly objectionable to anyone concerned with cultural literacy.

In other words, the criticisms raised by the plaintiffs cannot be fairly judged without an understanding of the context in which those criticisms were raised. In all fairness, some educators--Albert Shanker among them--have recognized these problems and, while they may be opposed to the 1986 Mozert, et al. ruling because of some of its implications, they have worked toward making the public school system less susceptible to these criticisms. Shanker, for example, was one of the leaders in

compiling the American Federation of Teachers report on the importance of values education in the public schools (1987).

The Argument Based on Need for Critical Thinking

Roger Farr, a former president of the International Reading Association and an expert witness for Holt, Rinehart and Winston at the 1986 District Court trial, presented this as one of his arguments against the plaintiffs. He suggested that schools would have difficulty teaching higher-order reading and thinking if no thought-provoking material was allowed (Reading Today, 1987).

As noted above, this argument misconceives the plaintiffs' objections to public school curriculum. The complaints offered by the Evangelical community are not directed at total erasure of controversy from the curriculum. Instead, the Evangelicals are demanding that religious-based viewpoints not be totally erased from the curriculum, as is true at present.

An editorial in the leading Evangelical journal Christianity Today noted that the approach to the separation of church and state in education, made dominant by Supreme Court decisions in the past thirty years, has had a disastrous effect on public education:

> Public education, instead of being a stimulating marketplace of ideas, is in danger of becoming either sterile bastions of triteness or totalitarian drugstores dispensing the (liberal or conservative) party

line. Neither option seems consistent with the constitutional vision that recognized and endorsed the spiritual nature of man (Muck, 1987, p. 17).

The editorial did not demand a theocratic takeover of the schools, as the professional educational establishment sometimes suggests is the goal of Evangelicals. Instead, the editorial concluded that the answer to the textbook controversies is to allow Christian values to be "presented fairly, alongside the other value systems of the day" (p. 17). Once again, the answer to the dilemmas faced by the public schools is accommodation of minority viewpoints according to a fair, pluralistic schema.

Finally, Farr's thinking gratuitously assumed that there is no higher-order thinking carried out in Evangelical circles, a stereotype common among non-Evangelical Americans. Timothy L Smith, professor of history at Johns Hopkins, has pointed our that Evangelicals are in agreement on major doctrinal issues and have shown a surprising amount of organizational and doctrinal solidarity in the middle and late twentieth centuries (1986). But the Evangelical community is by no means unanimously agreed on a host of minor doctrinal issues, nor on many of the implications of their doctrines for political or social purposes.

Argument Based on Lack of Alternative Educational Materials

Another reason offered by Roger Farr against the plaintiffs in the 1986 District Court case had to do with the alternative materials available (Reading Today, 1987). Farr suggested that

the objections to the Holt basal series were without foundation, as the basal series preferred by the plaintiffs also contained controversial material.

This argument of Farr's clearly undercut his previous suggestion that the plaintiffs' children would insufficiently develop in their higher-order thinking and reading skills. After all, if the basal series preferred by the Evangelical families was also controversial and required critical reading and thinking skills, how would the the children suffer?

The Argument Based on the Potential for Covert Censorship by Publishers

A third argument by Roger Farr against the plaintiffs in the 1986 District Court case involved the pressure that would be placed on textbook publishers to avoid controversial issues as a result of the suit. He suggested that the case could lead to "closet censorship" of controversial material from books, in order to avoid costly litigation.

Once again, this testimony missed a key point that the plaintiffs were trying to raise in the suit. That is, the plaintiffs were suggesting that the "closet censorship" has already taken place. The censorship has taken place in the form of the imposition of a uniform secular humanistic world view that is antithetical to the plaintiffs' own Evangelical views.

The Argument Against Expenditures of State Funds for Private Education

A variety of educators have questioned Judge Hull's ruling that the school board pay $52,000 for the private education of some of the children involved in the Mozert, et al. case. Such a payment appears to violate the common understanding of the separation of church and state.

In fact, this ruling cannot be viewed to support the general expenditure of state funds for private education. In the particular case of the Hawkins County incident, the children were withdrawn from public school instruction and were placed into a private Christian school so that their education could be continued while the controversy ensued. In some cases, children had been suspended from the public school and the private school was used to provide alternate education.

In finding that the school board had not sufficiently met its obligation to the parents and children involved in the incident, Judge Hull ordered that the Board of Education pay the expenses incurred. He did not allow for further public support for private education of the children once the case was settled.

The Argument Against Further Court Involvement in Public Education

One spectre created by the Tennessee controversy is that of further judicial involvement in the public schools. Rowell has suggested that the 1986 decision says to parents that "the courts

are the way to object to school curricula, rather than through parental involvement in textbook committees, and sound reasoning and judgment" (1987, p. 2).

While the image of millions of parents suing tens of thousands of school systems certainly gives one second thoughts, neither Rowell nor others who paint this picture have offered any evidence that such a result is at all likely. A later comment by Rowell, that "teachers have a right to organize and manage instruction as they have been trained to do," (p. 2), leads one to wonder whether he has any real commitment to parental involvement in public education.

In fact, the actual picture provided by the Mozert, et al. case is not one in which parental opinions were solicited by the Hawkins County School Board. Instead, the clear implications of the findings were that the parents used judicial pressure as a last resort after being backed to the wall by repeated refusals of the schools to accommodate their deeply felt needs. The school system need not have, and should not have, acted in such undemocratic fashion. In fact, some of the schools in the system did respond adequately to parental concerns.

One wonders how much effort is made on the part of school systems to involve minority group members in curricular decision-making. Minority groups are usually more than willing to leave such decision-making to professional educators. When a minority group wishes a voice in the public education system, however, does it not behove those of us educators who say that we believe in liberal democracy to attempt to accommodate minority

viewpoints? After all, we are all members of minority groups, of one sort or another.

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